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David R. Saliwanchik, Patent Attorney

INFORMATION DISCLOSURE STATEMENT Patent Application Docket No. SPO-129 Serial No. 10/593,550

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner

Not yet assigned

Applicants :

Hisae Kume, Hajime Sasaki

Serial No.

10/593,550

Filed :

September 19, 2006

Not yet assigned

For :

Antibacterial Composition

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§1.97 AND 1.98

Sir:

The patent application referred to above was filed in the U.S. Patent Office as a national application under 35 USC §371. A copy of the International Search Report is enclosed for the Examiner's convenience. Applicants have also listed on Form PTO/SB/08 several references which have not been cited in the International Search Report. Copies of these documents are enclosed within.

References F1-F9 and R6 were cited in the International Search Report and are also in a foreign language; however, to meet the duty of disclosure, the applicants have also included a copy of the International Search Report showing the relevancy of each of these cited references. Furthermore, F1-F9 and R6 were also cited in the International Preliminary Report on Patentability

(IPRP) and the Written Opinion (WO). Also enclosed are English translations of the IPRP and the WO.

Please note that references Moriji (R3) and Nakae (R4) are not in English; however, attached

In accordance with 37 CFR §1.56, Applicants hereby request that the references cited in the International Search Report and listed on the attached form PTO/SB/08 be made of record and considered in the examination of the subject application.

 $Applicants respectfully assert that the substantive provisions of 37 CFR \S\S 1.97 and 1.98 are met by the foregoing statement.$

Respectfully submitted.

David R. Saliwanchik

Patent Attorney Registration No. 31,794

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DRS/wrc

Enclosures: Form PTO/SB/08 (2 pages)

are their English translations.

Cited references (14)

International Search Report

International Preliminary Report on Patentability

Written Opinion

PTO/SB/08A (07-05) Approved for use through 07/31/2006 Complete if Known Substitute for form 1449/PTO Application Number INFORMATION DISCLOSURE TO E 10/593,550 Filing Date September 19, 2006 Brist Named Inventor STATEMENT BY APPLICANT Hisae Kume APR 2 0 200 Agy Unit Not vet assigned (use as many sheets as necessary) aminer Name Not vet assigned TRADENA N Sheet of Attorney Docket Number 1 SPO-129

			U.S. PATENT D	DCUMENTS	
Examiner Initials*	Cite No. 1	Document Number Number - Kind Code ^{2 (d known)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	U2	US-			
	U3	US-			
	U4	US-			
	U5	US-			
	U6	US-			
	U7	US-			
	U8	US-			
	U9	US-			
	U10	US-			
	U11	US-			
	U12	US-			
	U13	US-			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. 1	Foreign Patent Document Country Code 3 - Number 4 - Kind Code 6 (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T*	
	F1	JP 59-187734 A	10-24-1984	Haraguchl et al.	All		
	F2	JP 60-016931 A	01-28-1985	Ueda et al.	All		
	F3	JP 64-20057 A	01-24-1989	Matsunami et al.	All		
	F4	JP 3-285641 A	12-16-1991	Kageyama et al.	All		
	F5	JP 5-252896 A	10-05-1993	Arima et al.	All		
	F6	JP 6-98717 A	04-12-1994	Arima et al.	All		
	F7	JP 7-155103 A	06-20-1995	Nagai et al.	All		
	F8	JP 9-70256 A	03-18-1997	lwasaki et al.	All		
	F9						
	F10						
	F11						
L	F12						

 Examiner Signature
 05/21/2010
 Date Considered
 05/21/2010

"EXAMINES: Initial if reference considered, whether or not claters is in conformance with MPEP 800. Draw line through claters if may in conformance and not considered, include copy of this some with early communication to applicate." Applicant's unique clatifor designation number (orbital). See Kind Codes of USPTO Patient Documents at www.usiglo.gov or MPEP 901.04. See The Office Orbital Patient Common to the patient of th

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or rebain a benefit by the public which is to file (and by the USFTO is process) an application. Condendeality is operanted by 38 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to lake 2 brusts to complete, including gathering, preparing, and submitting the completed application form to the USFTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form andors suggestions for reducing this budges, should be sent to the Chief Information Officer, U.S. Paetta and Trademank Office, P.O. Box 1450, Alexandrie, VA. 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patterns, P.O. Box 1450, Alexandrie, VA. 22313-1450.

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PTO/SB/08B (07-05) Approved for use through 07/31/2006.

Complete if Known Substitute for form 1449/PTO Application Number 10/593,550 INFORMATION DISCLOSURE September 19, 2006 Filing Date STATEMENT BY APPLICANT First Named Inventor Hisae Kume Art Unit Not yet assigned (use as many sheets as necessary) Not yet assigned Examiner Name

Attorney Docket Number

SPO-129

Sheet

of

		NON PATENT LITERATURE DOCUMENTS	-
Examiner Initials*	Cite No. 1	Include name of the author (in CAPITAL LETTERS), tile of the article, (when appropriate), tile of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-Issue number(s), publisher, city and/or country where published.	T²
	R1	GCEPFERT, J. M. et al., "Behavior of Salmonellae in Sliced Luncheon Meats," Applied Microbiology, January 1970, pages 190-192, Vol. 19, No. 1.	
	R2	KAWAI, Y. et al., "Gassericin A; an Uncommon Cyclic Bacteriocin Produced by Lectobacillus gasseri LA39 Linked at N- and C-Terminal Ends," Biosci. Biotechnol. Biochem., December 1998, pages 2438-2440, Vol. 62, No. 12.	
	R3	MORUJI, T., Internet Article: Nyusankin no Kino wo ikashita biopreservation (Biopreservation utilizing the functions of lactic acid bacterie) http://www.nyusankin.or.jp/scientific/morij=1.html.	
-	R4	NAKAE, T., Nyu Niku Tamago No Kagaku (Science of Milk, Meat and Egg), 1986, pages 132-137.	
	R5	SHAH, N., "Some Beneficial Effects of Probiotic Bacteria," <i>Bioscience Microflora</i> , May 2000, pages 99-105, Vol. 19, No. 2.	
	R6	SUGAMATA, A. et al, "Atarashii Yogurt-Honey (Y-H) Seizai YH8280 no Shiyo Keiken," Nessho, March 1984, pages 25-30, Vol. 9, No. 2.	
	R7		
	R8		
	R9		
	R10		

Examiner Signature	/Philip Dubois/	Date Considered	05/21/2010

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance

Exchanges: Intelligent and indirected contributions, whether or not citation is a former manner with more you. Use the involution state of in continual relative terms of the contribution gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require the complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Chiefer, U.S. Patient and Trademark Office, P.O. Box 1450, Alexandria, V.A. 22313-1450. DO NOT SEND TEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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